

REMARKS

Claims 1-25 are pending in the present application.

In the Office Action, claims 1-5, 14, and 25 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Xu, et al (U.S. Patent Publication No. 2003/0172165) in view of Yonemoto, et al. (U.S. Patent No. 6,298,239). Claims 6-13 and 15-24 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Xu in view of Yonemoto and further in view of Trossen, et al (U.S. Patent Publication No. 2003/0157899). The Examiner's rejections are respectfully traversed.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Claim 1 sets forth receiving a multicast control message, determining at least one supportive requirement for accessing and receiving at least one multicast service, the supportive requirement being indicated by the multicast control message, and selecting a multicast service in response to the received multicast control message based on the determined supportive requirement. Claim 14 sets forth receiving subscription information, transmitting a multicast control message in response to the received subscription information, and receiving information indicative of selection of a multicast service in response to the multicast control message. The selection is made based on at least one supportive requirement for accessing and receiving at least one multicast service and the supportive requirement is indicated by the multicast control message.

Xu describes a billing system that may be used for calculating costs associated with receiving multicast data during a multicast session. However, Xu is not at all concerned with whether or not the mobile units that receive the multicast data possess sufficient supportive

requirements to make use of the multicast data. Accordingly, as admitted by the Examiner, Xu is completely silent with regard to determining at least one supportive requirement for accessing and receiving at least one multicast service based on information included in the multicast control message.

Yonemoto is concerned with the collisions that may occur between response messages sent by a plurality of mobile units in response to a single broadcast message from a base station. Yonemoto describes an information transmission control apparatus that may control transmission of information by the base station. For example, the information transmission control apparatus may transmit information in an HTML format. See Yonemoto, col. 8, line 60 – col. 9, line 53. When a message transmitted by a base station under the control of the information transmission control apparatus is received by a receiving apparatus, the receiving apparatus may determine a delay time. The receiving apparatus may only provide an indication that the message has been received after the delay time has elapsed. See Yonemoto, col. 11, ll. 20-49. One example of information that may be provided to the receiving apparatus is a listing of movie previews. See Yonemoto, col. 12, ll. 22-30.

The Examiner alleges that Yonemoto describes determining at least one supportive requirement for accessing and receiving at least one multicast service and indicating the support requirement in a multicast control message. Applicant respectfully disagrees. Yonemoto describes broadcasting information, such as listings of available movie previews, in a conventional HTML format. Applicants respectfully submit that the broadcast message described by Yonemoto does not contain information relating to a multicast service and is consequently not a multicast control message. To the contrary, the problem addressed by Yonemoto (*i.e.*, collisions between messages provided by multiple mobile units that are

attempting to access the same information) arises precisely because the information transmission apparatus described by Yonemoto is not capable of multicasting information to multiple receiving apparatuses.

Applicants therefore respectfully submit that, like Xu, Yonemoto fails to teach or suggest determining at least one supportive requirement for accessing and receiving at least one multicast service based on information included in a multicast control message, as set forth in independent claims 1 and 10. Xu and Yonemoto also fail to provide any suggestion or motivation to modify and/or combine the cited references to arrive at the claimed invention. As discussed above, and as admitted by the Examiner, Xu is not at all concerned with whether or not the mobile units that receive the multicast data possess sufficient supportive requirements to make use of the multicast data. Yonemoto is completely silent with regard to multicasting and, in fact, is concerned with addressing a problem that arises in part because the system described by Yonemoto is not capable of multicasting.

Trossen describes multicast services that are provided at different data rates. However, Trossen is also completely silent with regard to determining at least one supportive requirement for accessing and receiving at least one multicast service based on information included in the multicast control message, as set forth in independent claims 1 and 14.

For at least the aforementioned reasons, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case that independent claims 1 and 14, and all claims depending therefrom, are obvious over Xu, Yonemoto, and Trossen, either alone or in combination. Applicant requests that the Examiner's rejections of claims 1-25 under 35 U.S.C. § 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: October 20, 2006

/Mark W. Sincell/

Mark W. Sincell, Ph.D.

Reg. No. 52,226

Williams Morgan & Amerson, P.C.

10333 Richmond Avenue, Suite 1100

Houston, TX 77042

(713) 934-7000

(713) 934-7011 (Fax)

AGENT FOR APPLICANTS